

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

SUSAN FOX, individually, and on behalf of  
all others similarly situated,

Plaintiff,

v.

TIME, INC., a Delaware partnership,

Defendant.

Case No. 12-cv-14390

Hon. Gershwin A. Drain

**MOTION FOR EXTENSION OF TIME TO  
RESPOND TO COMPLAINT AND TO FILE OVERSIZE BRIEF**

1. Plaintiff Susan (“Plaintiff”) filed a complaint in this putative class action against defendant Time, Inc. (“Defendant”) on or about October 3, 2012 (the “Complaint”). Defendant plans to move to dismiss Plaintiff’s Complaint.

2. Defendant’s response to the Complaint is currently due on December 3, 2012.

3. Plaintiff’s lawyers have bought nearly identical suits against other magazine publishers based on purported violations of Michigan’s Video Rental Privacy Act, M.C.L. § 445.1712, *et seq.*, and state common law claims.<sup>1</sup> The first filed action is *Halaburda v. Bauer Publishing Co., LP*, Case No. 12-cv-12831 pending before the Honorable George C. Steeh.<sup>2</sup> The second filed case is *Grenke v. Hearst Commc’ns, Inc.*, Case No. 2:12-CV-14221 pending before the Honorable David M. Lawson. The third filed case is *Fox v. Time, Inc.*, Case No. 2:12-CV-14390 which was recently reassigned to Your Honor. The lawyers brought a fourth suit, *Fox v.*

---

<sup>1</sup> Some of the complaints have different state law claims.

<sup>2</sup> The case was originally brought by a different plaintiff on or about June 27, 2012, and was assigned to Judge Ludington. The case was reassigned to Judge Steeh on or about October 1, 2012.

*Conde-Nast Publ'ns*, Case No. 2:12-CV-14212-GCS-MKM, on behalf of a plaintiff with the same name as the plaintiff in the *Time* action, Susan Fox, but voluntarily dismissed the action a few days before they filed the complaint in the *Time* action.

4. The response to the *Time* case is due on December 3, 2012, and the responses to the *Hearst* and *Bauer* complaints are due on November 26, 2012.

5. The Davis Wright Tremaine and Honigman Miller firms were retained to represent the defendants in all of these cases. Counsel for all parties agree that it would be beneficial to have these cases on the same schedule, and have worked to coordinate the efficient handling of these cases.

6. The Parties also propose the following briefing schedule and extension of page limitations set forth in Local Rule 5.1 (for all of the cases), subject to this Court's approval:

- a. The opening memorandum of law shall be no longer than 30 pages, and submitted on or before December 3, 2012;
- b. The opposition memorandum of law shall be no longer than 30 pages and submitted on or before January 18, 2013; and
- c. The reply memorandum of law shall be no longer than 15 pages and submitted on or before February 8, 2013.

7. In accordance with Local Rule 7.1 we represent that counsel for Plaintiff concurs in the relief requested.

Dated: November 21, 2012

By: /s/ Robert M. Jackson  
Herschel P. Fink (P13427)  
Robert M. Jackson (P40723)  
Honigman Miller Schwartz and Cohn, LLP  
660 Woodward Avenue  
2290 First National Building  
Detroit, MI 48226  
(313) 465-7400  
[rjackson@honigman.com](mailto:rjackson@honigman.com)

Sharon L. Schneier (*admitted pro hac vice*)  
Collin J. Peng-Sue (*admitted pro hac vice*)  
DAVIS WRIGHT TREMAINE LLP  
1633 Broadway – 27<sup>th</sup> Floor  
New York, New York 10019  
Telephone: (212) 489-8230  
Facsimile: (212) 489-8340  
[sharonschneier@dwt.com](mailto:sharonschneier@dwt.com)  
[collinpengsue@dwt.com](mailto:collinpengsue@dwt.com)

*Attorneys for Defendant Time, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2012, I electronically filed the foregoing Motion for Extension of Time to Respond to Complaint and to File Oversize Brief with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ Robert M. Jackson  
HONIGMAN MILLER SCHWARTZ AND COHN LLP  
2290 First National Building  
660 Woodward Avenue  
Detroit, MI 48226-3506  
(313) 465-7430 (phone)  
(313) 465-7431 (fax)  
[rjackson@honigman.com](mailto:rjackson@honigman.com)  
(P40723)

11706875.1